

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 921 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SATISH KANTIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR NM KAPADIA for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2, 3

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 07/10/98

ORAL JUDGEMENT

1. Rule. Ld.APP Ms.B.R.Gajjar waives service of rule on behalf of respondent Nos 1,2 & 3. By consent of parties petition is taken up for final hearing.
2. The petitioner has approached this court on an apprehension that the Brother-in-law of the petitioner

Atulkumar Amrutlal Patel is detained under Prevention of Blackmarketing and Maintenance of Supply of Essential Commodities Act at Central Prison, Sabarmati. The petitioner has contended that all the detenues are required to be taken to Advisory Board at the place where the meeting is held at Circuit House, Shahibaug, Ahmedabad. The petitioner has shown apprehension that his Brother-in-Law--Atulkumar Amrutlal Patel is likely to be handcuffed on 8.10.98 when a meeting of Advisory Board is to take place. Said apprehension is based on an affidavit of one of the detenues filed by the petitioner and tendered on record. That one Kantilal Modi of Himmatnagar has filed the affidavit, dated 3.10.98 stating on oath that on 2.7.98 he was detained under the Prevention of Blackmarketing & Maintenance of supply of Essential Commodities Act and was lodged in Central Prison, Sabarmati. That on 11.8.98 when he was taken to the Advisory Board for a scheduled meeting despite his protest and objection he was handcuffed and taken to the place of meeting and again during the return journey also he was handcuffed.

3. Ld.APP-Ms.Gajjar on instructions from respondent No.2 has stated at Bar that the Brother-in-Law of the petitioner--Atulkumar Amrutlal Patel shall not be handcuffed while taking him to meeting of the Advisory Board scheduled on 8.10.98 and also shall not be handcuffed during his return journey.

4. In view of the said statement of Ld.APP no further direction is required to be given as the guidelines issued by the Supreme Court and circulated are sufficiently made known to the police personnel who are taking detenues outside the jail premises that "unless it is absolutely necessary, no person shall be handcuffed even during the custody".

5. In view of the above stated facts and circumstances, petition stands disposed of. Rule is discharged. No costs.

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